



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,117	10/30/2001	David D. Faraldo II	05220.P002X	7950

7590 12/28/2006  
Andre M. Gibbs  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER
----------

TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
----------	--------------

2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/016,117	<b>Applicant(s)</b> FARALDO, DAVID D.	
	<b>Examiner</b> Nicholas R. Taylor	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37.CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-10,15-18,23-26 and 29-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-10,15-18,23-26 and 29-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/27/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on October 27th, 2006, has been entered.

2. Claims 1, 2, 7-10, 15-18, 23-26, and 29-40 have been presented for examination and are rejected.

### ***Response to Arguments***

3. Applicant's arguments filed October 27th, 2006, have been fully considered but they are deemed not persuasive.

4. In the remarks, applicant argued in substance that:

(A) The prior art of Du does not teach suppressing a notification but merely ignores it.

As to point (A), Du teaches "a method of alarm suppression in the context of a telecommunication network" (Du, col. 7, lines 50-52). Du teaches a method, as per the

Art Unit: 2141

rejected claim language, of suppressing a notification by suspended generation of the notification in certain circumstances (see Du, col. 8, lines 23-36, and the context situations of col. 8, lines 38-44 and Table 1; see e.g., Table 2A source code implementation of alarm processing during generation).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 7-10, 15-18, 23-26, 29, 32-35, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garg et al. (U.S. PGPub 2001/0052087) and Du et al. (U.S. Patent 6,694,364).

7. As per claims 1, 9, 17, and 25, Garg teaches a method, comprising:

enabling a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy; and (Garg, paragraphs 0067, generating the notification in described in paragraphs 0076-0079)

enabling an advanced notification rule to preempt the standard notification rule upon the occurrence (Garg, paragraph 0068).

However, Garg fails to teach suspending the notification from being generated.

Du teaches a network notification suppression system that effectively suspends notifications (Du, col. 7, line 48 to column 8, line 23).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Garg and Du to provide the notification suppression of Du in the system of Garg, because doing so would provide a simple and effective method for notification suppression and would prevent excess notifications from being generated (Du, col. 3, lines 40-51 and col. 4, lines 32-34).

8. As per claims 2, 10, 18, and 26, Garg-Du teaches the system further comprising: generating a second notification to a second person in the hierarchy based on the advanced notification rule (Garg, paragraph 0067-68, and figure 10).

9. As per claims 7, 15, and 23, Garg-Du teaches the system further wherein the advanced notification rule includes a scope and wherein the scope of the advanced notification rule is configured by at least one of the group consisting of a company, a satellite, a host assigned to a company, a service configured on a host for a company, a check type, a host state, a service state, a contact group, and a message pattern (Garg, paragraphs 0067-0068 specifically the sample rules).

10. As per claims 8, 16, and 24, Garg-Du teaches the system further where the advanced notification rule is configured to preempt the standard notification rule for a

Art Unit: 2141

temporary amount of time (Garg, paragraphs 0067-0068 specifically the sample rules, wherein the advanced rule only preempts when at the secondary threshold level).

11. As per claim 29, Garg-Du teaches the system further wherein the communications device transmit the first notification to the first person in the hierarchy and the processor acknowledges the first notification (Garg, paragraph 0082 and figure 10).

12. As per claim 32, Garg-Du teaches the system further wherein the advanced notification rule comprises a supplemental notification (Garg, paragraph 0082 and figure 10).

13. As per claim 33, Garg-Du teaches the system further where the supplemental notification directs the first notification to a second person in addition to the first notification to the first person (Garg, paragraph 0082 and figure 10, when multiple personnel are notified).

14. As per claim 34, Garg-Du teaches the system further wherein the advanced notification rule comprises a suspend standard notification (Garg, paragraph 0063, specifically the exception period).

Art Unit: 2141

15. As per claim 35, Garg-Du teaches the system further wherein the suspend notification, upon satisfaction of the standard notification rule, suspends the standard notification rule (Garg, paragraph 0063, specifically the exception period).

16. As per claims 39 and 40, Garg-Du teaches the system further wherein the advanced notification rule comprises one of a redirect standard notification, a supplemental notification, a suspend standard notification, or an automatic acknowledgement (Garg, paragraph 0082 and figure 10).

17. Claims 30, 31, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garg et al. (U.S. PGPub 2001/0052087) and Du et al. (U.S. Patent 6,694,364), further in view of Graf (U.S. Patent 5,619,656).

18. As per claim 30, Garg-Du teaches the above, yet fails to teach the system further wherein the advanced notification rule comprises a redirect standard notification.

Graf teaches an event notification system (Graf, column 5, lines 38-41) that redirects an additional notification to a specific person (Graf, column 21, lines 37-44), suspends a standard notification (Graf, column 20, lines 1-5), and automatically acknowledges notifications (Graf, column 20, lines 50-67).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Garg-Du and Graf to provide the notification system of Graf in the system of Garg-Du, because doing so would enable a tool that

Art Unit: 2141

automatically detects and informs administrators of problems in networking systems in a manner that is more efficient than statically determining notification destinations (Graf, column 3, lines 8-24).

19. As per claim 31, Garg-Du-Graf teaches the system further wherein the redirect standard notification redirects the first notification to a second person (Graf, column 21, lines 37-44).

20. As per claim 36, Garg-Du teaches the above yet fails to teach the system further wherein the advanced notification rule comprises an automatic acknowledgement.

Graf teaches an event notification system (Graf, column 5, lines 38-41) that redirects an additional notification to a specific person (Graf, column 21, lines 37-44), suspends a standard notification (Graf, column 20, lines 1-5), and automatically acknowledges notifications (Graf, column 20, lines 50-67).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Garg-Du and Graf to provide the notification system of Graf in the system of Garg-Du, because doing so would enable a tool that automatically detects and informs administrators of problems in networking systems in a manner that is more efficient than statically determining notification destinations (Graf, column 3, lines 8-24).



21. As per claim 37, Garg-Du-Graf teaches the system further wherein the automatic acknowledgement automatically acknowledges receipt of the standard notification by the first person (Graf, column 20, lines 50-67).

22. As per claim 38, Garg-Du-Graf teaches the system further comprising preventing escalation of the first notification using the automatic acknowledgment (Graf, column 20, lines 50-67).

### ***Conclusion***

23. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2141


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor  
Examiner  
Art Unit 2141

  
**RUPAL DHARIA**  
SUPERVISORY PATENT EXAMINER